

Q.P. Code :09364

Sem - X
Nov ATKT 2017

[Time: 3 Hours]

[Marks:100]

Please check whether you have got the right question paper.

- N.B:
1. All questions are compulsory.
 2. Cite relevant case laws wherever necessary.
 3. Figures to right indicate full marks.

Q.1 Answer in two to three sentences each

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- (a) What is a 'trade mark'?
- (b) Who is a 'patentee'?
- (c) What is an 'inventive step'?
- (d) What is the term of copyright of a Musical work?
- (e) Who is a performer?
- (f) Explain Government work.
- (g) Explain the term 'package', under the Trade Mark Act, 1999.
- (h) State the works in which copyright subsists.
- (i) Who is the author in relation to sound recording?
- (j) What is an associated trade mark?

Q.2 Write Short Notes (Any Four)

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- (a) Classification of Patents
- (b) The Berne Convention
- (c) Collective Marks
- (d) Copyright Board
- (e) Compulsory Licensing in Patents
- (f) Functions of a Trade Mark

Q.3 Solve any two situational Problems with reasons.

12

- (A) Mr. Ravi wants to use the name Nitrogen as his trade mark for clothes and applies for registration of the mark to the Registrar of Trade Marks.
 - i) Will Mr. Ravi succeed to register the name "Nitrogen" as trade mark for his goods?
 - ii) State and explain the provisions of Law involved.
- (B) Mr. Vishnu the farmer discovers a new method of sowing seeds which ensures their quick germination and applies for a patent for the discovery.
 - i) Will Mr. Vishnu get a patent for the method?
 - ii) When can an invention get a patent?
- (C) A dancer enchants the audience with her dance movements.
 - i) State the technical term which could define the Dancer and her dance movement.
 - ii) Explain any two of the Dancer Rights?

Q.4 Answer any four of the following (Essay Type)

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- (a) Explain the term property. Analyze Intellectual Property as a form of property.
- (b) Discuss the inventions which are not patentable.
- (c) What are the grounds for opposition to grant of a patent?
- (d) What is Passing off? Distinguish between Infringement and Passing off?
- (e) Critically analyze section 52 of the copyright Act, 1957.
- (f) What are the various forms of Trade Marks? What are the qualities of a good Trade Mark?

Exam: University Exam Oct 2015
BLS (Sem X)/LLB (Sem VI)
Subject: I.P.R.

QP Code: **23663**

(3 Hours)

[Total Marks : 100]

- N. B.
- (1) All questions are compulsory.
 - (2) Write case laws wherever necessary.
 - (3) Figures to the right indicate full marks.

I. Answer in 2-3 sentences each :

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- (a) Explain the term "Engravings".
- (b) What is the mode of assignment of copyright.
- (c) Explain the term "Design".
- (d) Define "inventive step".
- (e) What is a patent of addition.
- (f) Explain the term "goods."
- (g) Explain collective mark.
- (h) Who is a composer ?
- (i) What is a Government work ?
- (j) Explain the term Literary work.

II. Write short notes on any four of the following :

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- (a) Communication to the Public.
- (b) Rights and Liabilities of Copyright Societies.
- (c) Mareva Injunction.
- (d) Specification
- (e) Priority Date
- (f) Doctrine of Honest concurrent use.

III. Situational problems. Solve any two :-

12

- (a) Mr. X applies for registration of the term "Oxygen" as a Trade Mark for his goods.
 - (1) Will Mr. X succeed to get the mark registered as Trade mark.
 - (2) Explain the provision of law applicable.
- (b) Mr. X a singer sings the song "Beauty" before an audience in an auditorium Mr. Y records the said song.
 - (1) Which are the technical terms which could define Mr. X and his song "Beauty".
 - (2) Has Mr. Y committed any offence. Explain.

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- (c) On a visit to the Sahara desert Mr. X discovers that the camels of Sahara can travel for nearly a month without water. Mr. X decides to apply for patent for this discovery.

- (1) Will Mr. X succeed to get a Patent.
- (2) State and explain the provision of law applicable.

IV. Answer the following (any four) :-

- (a) Explain the nature and types of Intellectual Property Rights.
- (b) Discuss the grounds of refusal of registration of a "Trade Mark" under the Trade Mark Act 1999.
- (c) Explain the limitations on the rights of a Patentee.
- (d) Explain the procedure of Registration of Geographical Indication.
- (e) Which are the Acts which do not amount to infringement of Copyright?
- (f) Discuss the modes of "Passing-off".

(मराठी रूपांतर)

(३ तास)

[एकूण गुण : १००]

सूचना :-

- (१) सर्व प्रश्न सोडविणे आवश्यक आहेत.
- (२) शक्य असेल तिथे संबंधित न्यायानिर्णय लिहा.
- (३) उजवीकडील नमुद केलेले अंक पूर्ण गुण दर्शवितात.

१. प्रत्येकी दोन - तीन वाक्यात उत्तरे द्या :-

- (अ) 'टंकीत (एनग्रेव्हिंग) संज्ञा स्पष्ट करा.
- (ब) प्रतिलिपी अधिकार अभिहस्तांकीत करण्याची पद्धत स्पष्ट करा.
- (क) 'अभिकल्प' संज्ञा स्पष्ट करा.
- (ड) 'अविष्काराची पायरी', व्याख्या लिहा.
- (इ) 'अतिरिक्त एकस्व' म्हणजे काय ?
- (फ) 'वस्तू (माल) / उत्पादित वस्तू (माल)' म्हणजे काय ?
- (ग) 'सामुहिक / संग्रहित चिन्ह'; स्पष्ट करा.
- (स) संगीतकार/संगीत रचनाकार म्हणजे कोण ?
- (ई) 'सरकारी कृती / रचना / उपक्रम म्हणजे काय ?
- (ज) 'लेखलिखाण', संज्ञा स्पष्ट करा.

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SQ-Con. 4855-15.

Q.P. Code :09363

[Time: 3 Hours]

[Marks:100]

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- N.B:
1. All questions are compulsory.
 2. Cite relevant case laws wherever necessary.
 3. Figures to right indicate full marks.

Q.1 Answer in two to three sentences each

20

- (a) What is a 'Collective Mark'?
- (b) What is a patent of addition?
- (c) Who is a person interested?
- (d) What is the term of copy right of a Literary work?
- (e) Explain the term package.
- (f) Explain the term engravings.
- (g) What is reprography?
- (h) Who is the registered proprietor?
- (i) Explain the term transmission under the Trade Mark Act, 1999
- (j) What is the meaning of 'Patented article' and 'Patented Process'?

Q.2 Write Short Notes (Any Four)

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- (a) Certification Trade Mark
- (b) Right and obligations of a Patentee
- (c) Ghost Marks
- (d) Copyright Societies
- (e) Complete Specification
- (f) Anticipation

Q.3 Solve any two situational Problems with reasons.

12

- (A) A dancer enchants the audience with dance movements. Mr. X makes a visual recording of the dance movements with the permission of the dancer and exhibits the same to his friends on payment of charges.
 - (i) State the technical terms which would define the dancer and the dance movements.
 - (ii) Has Mr. X Committed any offence under the copyright Act, 1957, if yes, state the penalty.
- (B) Mr. Ram wants to use the mark "Bata" as his trade mark for his soaps and applies for registration of the mark "Bata", to the Registrar of Trade Marks.
 - (i) Will Mr. Ram Succeed to get the mark registered?
 - (ii) State and explain the Doctrine involved.
- (C) On a visit to the African Tropical Forests Mr. Z discovered that the Negeri Tribe hunts with very effective spears. Mr. Z imitates the spear & applies for a patent.
 - (i) Will Mr. Z, Succeed to get a patent?
 - (ii) State and explain the provision of law involved.

Q.4 Answer any four of the following (Any Four)

48

- (a) Discuss the classification of Intellectual Property.
- (b) Discuss Revocation of patents.
- (c) "All inventions are not eligible for grant of Patents". Explain.
- (d) Discuss the grounds for Refusal of Registration under the Trade Marks Act, 1999
- (e) Explain the law of passing off.
- (f) Copyright is a bundle of rights-Elaborate.